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8 Attorneys for Plaintiff

9 The Honorable Jamal N. Whitehead

10 **UNITED STATES DISTRICT COURT**
11 **WESTERN DISTRICT OF WASHINGTON**
12 **AT TACOMA**

13 PATRISHA PLATT,

14 Plaintiff,

15 v.

16 EVERGREEN PUBLIC SCHOOLS,

17 Defendant.

Case No. 3:21-cv-5852

STIPULATED PROTECTIVE
ORDER

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19
20 **I. Purpose.**

21 Discovery in this action is likely to involve production of student records subject to
22 the Family Educational Rights and Privacy Act (“FERPA”), 20 USC § 1232g. Accordingly,
23 the parties hereby stipulate to and petition the court to enter the following Stipulated
24 Protective Order. The parties acknowledge that this agreement is consistent with LCR
25 26(c). It does not confer blanket protection on all disclosures or responses to
26
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1 discovery, the protection it affords from public disclosure and use extends only to the
2 limited information or items that are entitled to confidential treatment under the applicable
3 legal principles, and it does not presumptively entitle parties to file confidential
4 information under seal. This protective order supplements the existing protective order in
5 the case signed by Judge Benjamin Settle, ECF 12.
6

7 **II. Protective Order**

8 1. Student/educational records that may be contained in school records
9 productions will be treated as confidential and subject to the terms of this order.
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11 2. The names of any students or former students not party to this action contained
12 in the school records or documents disclosed in discovery in this case will be treated as
13 confidential and will be redacted from pleadings and replaced with the designation of
14 initials. The name and identity of these students will be protected from public disclosure
15 unless otherwise required by law.
16

17 3. Plaintiffs' counsel will be provided unredacted copies of the responsive records
18 to Plaintiff's discovery requests.

19 4. All parties, attorneys and their staff, witnesses, experts, or other disseminations
20 to any persons necessary for the purposes of this lawsuit shall be apprised of this order and
21 are required to maintain the confidentiality of confidential information.
22

23 5. Prior to documents with confidential information being filed with the court or
24 offered as evidence, the party offering the document or evidence will review to ensure
25 confidential student or former student names have been redacted and replaced with initials.
26 The parties will attempt to agree on redactions of information in advance. If the
27

1 parties are unable to agree on redactions, the Court will be asked to review the materials in
2 camera to make a determination.

3 6. This protective order survives the resolution of this matter (whether by
4 dismissal, settlement or verdict), requiring confidential information to be kept as
5 confidential even after the conclusion of this suit. At the conclusion of this matter, the
6 parties will endeavor to destroy or return all protected documents in their possession, other
7 than copies that are necessary to keep in each attorney's case file pursuant to their retention
8 policies.
9

10 7. Nothing in this Order shall be construed as a waiver of the District's
11 non-FERPA related objections, or as limiting any party's right to use any records when
12 taking depositions or at trial in this matter to the extent permitted by the rules of evidence
13 and civil procedure. This Order does not permit either party to use the protected documents
14 in other matters.
15

16 8. Nothing in this Order shall prevent any party hereto from seeking modification
17 of this Order, or from objecting to discovery which it believes to be otherwise improper.
18

19 9. Violations of the terms of this Order subject the violator to sanctions deemed
20 appropriate by this Court. However, the parties agree the possibility of inadvertent
21 disclosure exists when implementing the highest levels of scrutiny. The parties agree to
22 communicate with each other immediately if an inadvertent violation occurs and agree to
23 attempt to remedy such disclosure without the Court involvement.
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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 KLEIN MUNSINGER LLC

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4 By: s/ Jose Klein
5 JOSE KLEIN, #47449
6 DAMIEN MUNSINGER, #50531
7 Attorneys for Plaintiff


8 EVANS, CRAVEN & LACKIE, P.S.

9
10 By: s/ Rachel Platin
11 MICHAEL E. McFARLAND, JR., #23000
12 RACHEL K. PLATIN, #58280
13 Attorneys for Defendant

14
15 PURSUANT TO STIPULATION, IT IS SO ORDERED

16
17 IT IS FURTHER ORDERED that pursuant to Fed. R. Evid. 502(d), the production
18 of any documents in this proceeding shall not, for the purposes of this proceeding or any
19 other federal or state proceeding, constitute a waiver by the producing party of any
20 privilege applicable to those documents, including the attorney-client privilege,
21 attorney work-product protection, or any other privilege or protection recognized by
22 law.
23

24 DATED this 5th day of October, 2023.

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26 
27 Jamal N. Whitehead
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2023, I served the foregoing STIPULATED PROTECTIVE ORDER on each of the following individuals using the methods identified below:

Attorneys for Defendant

Michael McFarland
Rachel Platin
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- ☒ The Court's Electronic Filing System (ECF)
- ☒ Email
- ☐ First Class Mail
- ☐ FedEx
- ☐ Hand Delivery

DATED: October 5, 2023

KLEIN MUNSINGER LLC

By: s/ Jose Klein
Jose Klein